

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

FILED  
IN CLERKS OFFICE

JUDITH FONSECA

2005 FEB 15 P 12:27

v.

U.S. DISTRICT COURT  
C.A. NO: 04-11870-JLA  
DISTRICT OF MASS

BROOKS PHARMACY, INC. and  
MC WOONSOCKET, INC.

**DEFENDANTS' MOTION FOR ATTORNEY'S FEES**

Defendants move this Honorable Court for assessment of attorney's fees against Plaintiff and/or Attorney John Sahady as attorney of record for the Plaintiff. As grounds therefore, Attorney Sahady failed to appear at the duly noticed initial scheduling conference held before the Court on February 10, 2005 at 10:15 a.m. Counsel for Defendants did prepare and attend the scheduling conference. The Court continued the scheduling conference and directed Plaintiff's counsel to advise the Court why sanctions should not be imposed. The Court also permitted defense counsel to file a motion for attorney's fees.

Filed along herewith is the Affidavit of Attorney Michael R. De Luca in support of Defendants' motion for attorney's fees.

WHEREFORE, Defendants request that this motion for attorney's fees be granted.

Defendants,  
By their Attorneys:

Michael R. De Luca, BBO # 639509  
Gidley, Sarli & Marusak, LLP  
One Turks Head Place, Suite 900  
Providence, RI 02903  
(401) 274-6644  
(401) 331-9304 fax

**CERTIFICATION**

John M. Sahady, Esq.  
Sahady Associates, PC  
399 North Main Street  
Fall River, MA 02720

I hereby certify that a true copy of the within was served by mail upon counsel of record, as above, on the 14th day of February, 2005.

A handwritten signature in black ink that reads "Jennifer Z. Moff". The signature is written in a cursive style with a horizontal line underneath it.